

SENATE BILL REPORT

SB 5190

As Reported by Senate Committee On:
Human Services & Corrections, January 30, 2009

Title: An act relating to technical corrections to ensure accurate sentences for offenders.

Brief Description: Making technical corrections to community custody provisions.

Sponsors: Senators Hargrove, Stevens, Regala and Shin; by request of Statute Law Committee and Sentencing Guidelines Commission.

Brief History:

Committee Activity: Human Services & Corrections: 1/23/09, 1/30/09 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: Last session, the Legislature passed HB 2719, making technical changes to the statutory provisions of the Sentencing Reform Act. The purpose of the revision was to provide greater clarification and uniformity in community custody and sentencing law. Although the bill made no substantive changes, it was a substantial reorganization of existing law. The Legislature, therefore, further required the Code Reviser to report to the 2009 Legislature on any amendments necessary to accomplish the purposes of the act.

HB 2712, addressing criminal street gangs, also passed in the 2008 session and made changes to the Sentencing Reform Act.

Summary of Bill (Recommended Substitute): Statutory references are corrected where needed. The provision regarding special allegations for individuals convicted of criminal gang-related felony offenses is reworded for clarity and incorporated into the statutory section on special allegations. The roles of the Indeterminate Sentence Review Board and the Department of Corrections are clarified with regard to determinate plus sex offenders on community custody.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): The roles of the Indeterminate Sentence Review Board and the Department of Corrections are clarified with regard to determinate plus sex offenders on community custody.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on August 1, 2009.

Staff Summary of Public Testimony on Original Bill: PRO: This is a follow-up bill to the major clean-up of community custody provisions last session. It was unavoidable that other bills would come along in 2008 that would amend the Sentencing Reform Act. This bill finishes the job of clean-up by incorporating those additional provisions and cleaning up internal references.

Persons Testifying: PRO: Jean Soliz-Conklin, Sentencing Guidelines Commission; Kyle Thiessen, Office of the Code Reviser.